

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawing, which includes Figures 3 and 4, replaces the original sheet including Figures 3 and 4.

Attachment: Replacement Sheets of Drawings (Figures 3 and 4)

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-26 are pending in this application. No claims have been amended or cancelled by this response. Claims 1 and 26 are the independent claims.

Applicants note with appreciation the Examiner's acknowledgement that certified copies of all priority documents have been received by the U.S.P.T.O. and that the references cited in the Information Disclosure Statements filed September 5, 2003 and April 29, 2008 have been considered.

DRAWINGS

The drawings are objected to because they fail to show necessary textual labels of features or symbols in FIGS. 3 and 4 as described in the specification. The Examiner requires a descriptive textual label for each numbered element in these figures to better understand these figures without substantial analysis of the detailed specification.

New drawings have been submitted in response to the Examiner's objection in order to comply with CFR 1.121(d). Applicants respectfully request that the Examiner withdraw the objection.

CLAIM OBJECTION

Claim 1 is objected to because of the following informality: claim 1 recites "wherein each of the first three method steps are performed my by the master."

As shown in the preceding section, Applicants have amended claim 1, in a non-narrowing fashioned for a reason not related to patentability, to correct the informality. Reconsideration and allowance of claim 1 is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103

Voth + Chen

Claims 1, 2, 4-8, 12, 13, 16, 17, 19, 20, and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,351,821 to Voth (“*Voth*”) and further in view of U.S. Patent No. 7,051,090 to Chen (“*Chen*”). Applicants respectfully traverse this rejection for the reasons detailed below.

Claim 1 recites a method for synchronizing network nodes in a subnetwork, comprising, among other things, **insuring no unauthorized communication takes place in the subnetwork.** (Emphasis Added)

The Examiner admits that *Voth* does not explicitly disclose “**insuring no unauthorized communication takes place in the subnetwork,**” as required by claim 1. However, the Examiner relies on the teachings in Column 10, Lines 20-25 of *Chen* to overcome the noted deficiencies of *Voth* and asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine clock synchronization as disclosed by *Voth* with the teachings of *Chen*.

Applicants respectfully disagree and submit that in the *Chen* system it is straightforward to control the flow of traffic into the network since voice is the basic communication service. *Chen* states this control of traffic can be achieved by transmitting voice as a priority signal using a control function built inside each CLIENT. Congestion control in the *Chen* system is totally avoidable and smooth voice transmission is guaranteed if the operation rules given to CLIENT are to throttle back data traffic whenever traffic on the LAN is getting congested. Namely, the traffic in the *Chen* method does require “authorization” to flow. Whenever congestion is detected

during operation, the *Chen* system data is throttled back so that voice, which is intolerant to delays and has been assigned a priority over data, may flow smoothly.

Assuming *arguendo* that the *Chen* system insured that no unauthorized communication takes place (not admitted), then the CLIENT would likely be aware of the amount of the data and voice traffic flowing through the network and congestion would not be an issue, thereby requiring no throttling back of data traffic for delay intolerant voice traffic to pass.

For these reasons, Applicants respectfully submit that *Chen* fails to disclose or fairly suggest **“insuring no unauthorized communication takes place in the subnetwork,”** as required by claim 1, thereby failing to overcome the noted deficiencies of *Voth*.

Accordingly, the combination *Voth* and *Chen* fails to render the limitations of claim 1 obvious to one of ordinary skill in the art. With regard to claim 26, although claim 26 should be interpreted based solely upon the limitations present therein, it is allowable for at least reasons somewhat similar to those set forth with regard to claim 1.

Claims 2, 4-8, 12, 13, 16, 17, 19 and 20, dependent on independent claim 1, are patentable for the reasons stated above with respect to claim 1 as well as for their own merits.

Applicants, therefore, respectfully request that the rejection to claims 1, 2, 4-8, 12, 13, 16, 17, 19, 20, and 26 under 35 U.S.C. § 103(a) be withdrawn.

Voth + Chen + Rappaport

Claims 3, 11, 13, 15, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Voth-Chen* and further in view of U.S. Patent No. 6,973,622 to Rappaport et al. (“*Rappaport*”). Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants respectfully submit that dependent claims 3, 11, 13, 15, and 18 are patentable over *Voth* and *Chen*, as discussed above, as *Voth* and *Chen*, alone or in combination fail to disclose or fairly suggest all of the features as recited in claim 1, the independent claim from which the rejected claims depend. Further, *Rappaport* would fail to overcome the noted deficiencies of *Voth* and *Chen* (even if combinable, which is not admitted). Therefore, the combination of *Voth*, *Chen* and *Rappaport* fails to render the subject matter of claims 3, 11, 13, 15, and 18 obvious to one of ordinary skill in the art. Applicants respectfully request that the rejection of claims 3, 11, 13, 15, and 18 under 35 U.S.C. §103 be withdrawn.

Voth + Chen + Berthaud

Claims 9 and 21-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Voth-Chen* and further in view of U.S. Patent No. 6,157,957 to Berthaud ("*Berthaud*"). Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants respectfully submit that dependent claims 9 and 21-25 are patentable over *Voth* and *Chen*, as discussed above, as *Voth* and *Chen*, alone or in combination fail to disclose or fairly suggest all of the features as recited in claim 1, the independent claim from which the rejected claims depend. Further, *Berthaud* would fail to overcome the noted deficiencies of *Voth* and *Chen* (even if combinable, which is not admitted). Therefore, the combination of *Voth*, *Chen* and *Berthaud* fails to render the subject matter of claims 9 and 21-25 obvious to one of ordinary skill in the art. Applicants respectfully request that the rejection of claims 9 and 21-25 under 35 U.S.C. §103 be withdrawn.

Voth + Chen + Renganarayanan

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Voth-Chen* and further in view of U.S. Patent Application Publication No. 2003/0158971 to Renganarayanan et al. ("*Renganarayanan*"). Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants respectfully submit that dependent claim 10 is patentable over *Voth* and *Chen*, as discussed above, as *Voth* and *Chen*, alone or in combination fail to disclose or fairly suggest all of the features as recited in claim 1, the independent claim from which the rejected claim depends. Further, *Renganarayanan* would fail to overcome the noted deficiencies of *Voth* and *Chen* (even if combinable, which is not admitted). Therefore, the combination of *Voth*, *Chen* and *Renganarayanan* fails to render the subject matter of claim 10 obvious to one of ordinary skill in the art. Applicants respectfully request that the rejection of claim 10 under 35 U.S.C. §103 be withdrawn.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

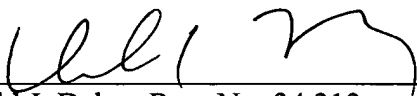
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By


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